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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/703,485	10/31/2000	Nils Rydbeck	34650-606PT	2940
23932	7590	05/06/2004	EXAMINER	
JENKENS & GILCHRIST, PC 1445 ROSS AVENUE SUITE 3200 DALLAS, TX 75202			SAFAIPOUR, HOUSHANG	
			ART UNIT	PAPER NUMBER
			2622	

DATE MAILED: 05/06/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/703,485

Applicant(s)

RYDBECK ET AL.

Examiner

Houshang Safaipoor

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on 12 February 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11 and 13-29 is/are rejected.
- 7) ☐ Claim(s) 12 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 October 2000 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of issue fee.

Authorization for this examiner's amendment was given by Ross T. Robinson (Reg. No. 47,031) and was communicated by Shoab Mithani in telephone interview on April 28, 2004.

The application has been amended as follows:

Page 2, line 1 add 09/703,497 in the blank space.

Page 2, line 3 add 09/703,503 in the blank space.

Page 2, line 6 add 09/703,704 in the blank space.

Page 2, line 9 add 09/703,506 in the blank space.

Page 2, line 11 add 09/703,325 in the blank space.

Page 2, line 14 add 09/703,486 in the blank space.

Page 2, line 16 add 09/703,351 in the blank space.

Page 2, line 18 add 09/703,492 in the blank space.

Page 2, line 21 add 09/703,494 in the blank space.

Page 2, line 23 add 09/703,480 in the blank space.

Page 3, line 3 add 09/703,479 in the blank space.

Page 3, line 6 add 09/703,464 in the blank space.

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Page 3, line 8 add 09/703,321 in the blank space.

Page 3, line 11 add 09/703,481 in the blank space.

Page 3, line 13 add 09/703,326 in the blank space.

Page 3, line 17 add 60/244,775 in the blank space.

Page 3, line 19 add 60/244,803 in the blank space.

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-9, 13-20, 25, 26 and 29 are rejected under 35 U.S.C. 102(b) as being anticipated by Yamada (U.S. Patent No. 5,927,872).

Regarding claim 1, Yamada discloses an electronic reading device, comprising:

a position sensor for detecting a position of the electronic reading device on a specially formatted paper based on a predefined address pattern of the specially formatted paper (col. 9, lines 19-25); and

a printer for printing on the specially formatted paper based on the detected position of the electronic reading device (col. 9, lines 19-25, printer 10).

Regarding claim 2, Yamada discloses the electronic reading device of claim 1, further comprising a memory for storing information to be printed (col. 7, lines 33-34).

Regarding claim 3, Yamada discloses the electronic reading device of claim 2, further comprising a local wireless link receiver for receiving the information to be printed (col. 7, lines 25-32).

Regarding claim 4, Yamada discloses the electronic reading device of claim 2, wherein the information to be printed is loaded into the memory using a client device (col. 7, lines 17-32).

Regarding claim 5, Yamada discloses the electronic reading device of claim 4, wherein

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the client device comprises a web browser (col. 7, lines 10-16).

Regarding claim 6, Yamada discloses the electronic reading device of claim 2, further comprising a microprocessor for receiving detected positions from the position sensor and for controlling the printer based on the received positions (fig. 6, col. 6, lines 41-57).

Regarding claim 7, Yamada discloses the electronic reading device of claim 2, wherein the information to be printed comprises text (col. 7, lines 17-32).

Regarding claim 8, Yamada discloses the electronic reading device of claim 2, wherein the information to be printed comprises graphics (col. 7, lines 17-32).

Regarding claim 9, Yamada discloses the electronic reading device of claim 1, wherein the printer is capable of printing a-similar dot at a particular position each time the electronic reading device moves over the particular position (col. 9, lines 19-63).

Regarding claim 13, Yamada discloses the electronic reading device of claim 1, wherein a size of an image printed with the printer can be adjusted by a user (please refer to claim 20).

Regarding claim 14, Yamada discloses the electronic reading device of claim 13, wherein the image is selected from the group-consisting of text and graphics (please refer to claims 7 and 8).

Regarding claim 15, Yamada discloses a method for generating output with an electronic reading device, comprising the steps of:

determining a position where an electronic output reading device is located on a specially formatted surface based on a detection of a predefined address pattern of the specially formatted surface; and generating output based on the detected position of the electronic output reading device (col. 9, lines 19-63).

Regarding claim 16, Yamada discloses the method of claim 15, wherein the step of generating output comprises printing information on the specially formatted surface (col. 9, lines 19-63).

Regarding claim 17, Yamada discloses the method of claim 16, wherein the generated output is determined for each detected position using an image stored in the electronic output reading device (col. 9, lines 19-63).

Regarding claim 18, Yamada discloses the method of claim 17, wherein the image is loaded into the electronic output reading device using a client device (col. 7, lines 17-32).

Regarding claim 19, Yamada discloses the method of claim 18, wherein the client device includes a web browser used for loading the image (col. 7, lines 17-32, web browser is inherent part of the computer).

Regarding claim 20, Yamada discloses the method of claim 17, further comprising the step of selectively adjusting a size of the image before printing (image is displayed and therefore the size can be adjusted, col. 7, lines 17-32).

Regarding claim 25, Yamada discloses the method of claim 24, further comprising the step of adjusting a size of the stored written information prior to said printing (please refer to claim 20).

Regarding claim 26, Yamada the method of claim 24, wherein the electronic output reading device comprises the electronic reading device (col. 9, lines 19-25).

Regarding claim 29, Yamada discloses the method of claim 15, wherein the output generated when the electronic output reading device is at a particular location is substantially similar each time the electronic output reading device is located at the particular location (col. 7,

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lines 17-32).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 10 and 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yamada (U.S. Patent No. 5,927,872).

Regarding claim 10, Yamada does not explicitly disclose the electronic reading device of claim 1, wherein the printer comprises a thermo-print head and the specially formatted paper comprises a thermal paper. Utilizing thermo-print head and also thermal paper is well known and routinely implemented in the art (Official Notice). Therefore, it would have been obvious to a person of an ordinary skill in the art at the invention was made to use thermo-print head and thermal paper in Yamada's apparatus.

Regarding claim 21, argument analogous to those presented for claim 10 are applicable to claim 21.

Claims 11, 22-24, 27 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamada (U.S. Patent No. 5,927,872) and further in view of Dymetman et al. (U.S. Patent No. 6,330,967).

Regarding claim 11, Yamada does not disclose the electronic reading device of claim 1, wherein the position sensor performs angle-sensitive positioning detection. Dymetman et al. discloses such a device (col. 16, lines 47-65). Therefore, it would have been obvious to a person



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of an ordinary skill in the art at the invention was made to combine Yamada's apparatus with that of Dymetman's to improve Yamada's design.

Regarding claim 22, Yamada does not disclose the method of claim 16, further comprising the steps of modifying an image printed with the electronic output reading device using a writing function of the electronic output reading device; and storing the modified image. Dymetman discloses such a device (col. 17, lines 3-38). Therefore, it would have been obvious to a person of an ordinary skill in the art at the invention was made to combine Yamada's apparatus with that of Dymetman's to improve Yamada's design.

Regarding claim 23, arguments analogous to those presented for claim 22 are applicable to claim 23.

Regarding claim 24, Yamada does not disclose the method of claim 16, further comprising the steps of writing information using a writing mode of an electronic reading device;

collecting the written information by detecting a plurality of positions of the electronic reading device relative to the address pattern; and storing the written information, wherein the printing of information on the specially formatted surface comprises printing a representation of the stored written information. Dymetman discloses such a device (col. 17, lines 3-38).

Therefore, it would have been obvious to a person of an ordinary skill in the art at the invention was made to combine Yamada's apparatus with that of Dymetman's to improve Yamada's design.

Regarding claim 27, Yamada does not disclose the method of claim 15, wherein the step of generating output comprises generating audio sound. Dymetman discloses such a device (col. 8, lines 6-14)). Therefore, it would have been obvious to a person of an ordinary skill in the art at

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the invention was made to combine Yamada's apparatus with that of Dymetman's to improve Yamada's design.

Regarding claim 28, arguments analogous to those presented for claim 11 are applicable to claim 28.

*Allowable Subject Matter*

Claim 12 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

*Conclusion*

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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***Contact Information***


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Houshang Safaipoor whose telephone number is (703)306-4037.

The examiner can normally be reached on Mon.-Thurs. from 6:30am to 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward L Coles, Sr. can be reached on (703)305-4712. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Houshang Safaipoor  
Patent Examiner  
Art Unit 2622  
April 27, 2004

  
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